

Department of Energy

Pt. 780

the laws governing the downsizing of defense nuclear facilities.

§ 770.9 What conditions apply to DOE indemnification of claims against a person or entity based on the release or threatened release of a hazardous substance or pollutant or contaminant attributable to DOE?

(a) If an agreement for the transfer of real property for economic development contains an indemnification provision, the person or entity requesting indemnification for a particular claim must:

(1) Notify the Field Office Manager in writing within two years after such claim accrues under § 770.11 of this part;

(2) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with evidence or proof of the claim;

(3) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with copies of pertinent papers (*e.g.*, legal documents) received by the person or entity;

(4) If requested by DOE, provide access to records and personnel of the person or entity for purposes of defending or settling the claim; and

(5) Provide certification that the person or entity making the claim did not contribute to any such release or threatened release.

(b) DOE will enter into an indemnification agreement if DOE determines that indemnification is essential for the purpose of facilitating reuse or redevelopment.

(c) DOE may not indemnify any person or entity for a claim if the person or entity contributed to the release or threatened release of a hazardous substance or pollutant or contaminant that is the basis of the claim.

(d) DOE may not indemnify a person or entity for a claim made under an indemnification agreement if the person or entity refuses to allow DOE to settle or defend the claim.

§ 770.10 When must a person or entity, who wishes to contest a DOE denial of request for indemnification of a claim, begin legal action?

If DOE denies the claim, DOE must provide the person or entity with a no-

tice of final denial of the claim by DOE by certified or registered mail. The person or entity must begin legal action within six months after the date of mailing.

§ 770.11 When does a claim “accrue” for purposes of notifying the Field Office Manager under § 770.9(a) of this part?

For purposes of § 770.9(a) of this part, a claim “accrues” on the date on which the person asserting the claim knew, or reasonably should have known, that the injury to person or property was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of DOE activities at the defense nuclear facility on which the real property is located.

PART 780—PATENT COMPENSATION BOARD REGULATIONS

Subpart A—General Provisions

Sec.

780.1 Scope.

780.2 Definitions.

780.3 Jurisdiction of the Patent Compensation Board.

780.4 Filing and service of documents.

780.5 Applications—General form, content, and filing.

780.6 Department participation.

780.7 Designation of interested persons as parties.

780.8 Security.

780.9 Rules of procedure before the Board.

780.10 Decision of the Board.

780.11 Records of the Board.

Subpart B—Declaring Patents Affected With the Public Interest Under Section 153a of the Atomic Energy Act of 1954

780.20 Initiation of proceeding.

780.21 Notice.

780.22 Opposition, support and request for hearing.

780.23 Hearing and decision.

780.24 Criteria for declaring a patent affected with the public interest.

Subpart C—Application for a License Pursuant to Section 153b(2) of the Atomic Energy Act of 1954

780.30 Filing of application.

780.31 Contents of application.

780.32 Response and request for hearing.

780.33 Hearing and decision.